

**United States**  
**v.**  
**Joao Ricardo DeBorba**

## Count 1: Unlawful Possession of Firearms and Ammunition (5/6/2022)

- ✓ DeBorba knowingly possessed firearm and ammo
  - ¶ 23 & Ex. 12 (photos): SW of apartment
  - ¶ 30 & Ex. 17 (SA Taylor Report): reviewed pictures and “admitted that the firearms in the picture were his”



Ex. 12, Bates  
08948; 08960

## Count 1: Unlawful Possession of Firearms and Ammunition (5/6/2022)

### ✓ Interstate Nexus

- ¶ 28: ATF SA Grigore determined nexus
- ¶ 28: DeBorba stipulates

### ✓ DeBorba knew he was a non-citizen illegally and unlawfully in United States, (g)(5)

- ¶ ¶ 2-6, 30: DeBorba admits that “he was aware at all times relevant to this case that he did not have legal status in the United States.” ¶ 6

# Count 1: Unlawful Possession of Firearms and Ammunition (5/6/2022)

✓ Subject to a court order meeting the requirements of 18 U.S.C. § 922(g)(8)(A)-(C)

- ¶¶ 18-19 & Ex. 9: Oct. 14, 2020 NCO
  - Expired 10/14/2022
- ¶¶ 20-21 & Ex. 11: Jan. 31, 2022 NCO
  - Expires 1/31/2027
- ¶¶ 19, 21: "A.D. is DeBorba's "intimate partner."

The image shows two copies of a Domestic Violence No Contact Order from the Superior Court of the State of Washington, County of Clark. The left copy is dated 10/14/2020 and the right copy is dated 1/31/2027. Both orders are issued against JOAO RICARDO DEBORBA, Defendant, and are signed by Judge Scott G. Weber. The orders include provisions for restraining the defendant from causing physical harm, sexual assault, or stalking the protected person, and from entering or knowingly remaining within 1000 feet of the protected person's residence, school, or place of employment.

## Count 2: Unlawful Possession of Firearms and Ammunition (11/16/2019)

- ✓ DeBorba knowingly possessed firearm and ammo
  - ¶ 16 & Ex. 7 (VPD Allred report): Consent to search apartment; combo to gun safe
  - *Id.* “DeBorba stated he did [possess firearms] and confirmed they were located in his apartment.”
  - *Id.* Firearms and ammo listed in Ct. 2 were located

## Count 2: Unlawful Possession of Firearms and Ammunition (11/16/2019)

### ✓ Interstate Nexus

- ¶ 17: ATF SA Grigore determined nexus
- *Id.*: DeBorba stipulates

### ✓ DeBorba knew he was a non-citizen illegally and unlawfully in United States, (g)(5)

- ¶ ¶ 2-6, 30: DeBorba admits that “he was aware at all relevant times relevant to this case that he did not have legal status in the United States.”

# Count 2: Unlawful Possession of Firearms and Ammunition (11/16/2019)

✓ Subject to a court order meeting the requirements of 18 U.S.C. § 922(g)(8)(A)-(C)

- ¶¶ 14-15 & Ex. 6: Nov. 14, 2019 NCO
- *Id.* Expires 11/12/2024

STATE OF WASHINGTON  
COUNTY OF CLATSOP  
Superior and Municipal Court of Clatsop County, Washington  
CLERK: The Official Courtroom of the County of Clatsop, Washington  
No. 921074464 VPD CN  
FILED  
Clatsop County District Court  
Nov 14, 2019

DISTRICT COURT OF WASHINGTON  
FOR THE COUNTY OF CLATSOP  
STATE OF WASHINGTON/CITY OF VANCOUVER/CITY OF CAMAS/WASHOUGAL  
Plaintiff,  
vs.  
DEBORBA, JOAO RICARDO  
Defendant

☒ Pre-Trial ☐ Post Conviction  
☒ Replacement Order (paragraph 16)  
☒ Domestic Violence No-Contact Order  
(ci) = NOCCN, Superior cts = ORNC, ORWPNP  
Clerk's action required: Page 8

**1. Protected Person's Identifiers:**  
Name (Last, First Middle) AD  
DOB [redacted] Gender F Race W  
DOB [redacted] Gender W Race [redacted]

**Defendant's Identifiers:**  
Name (Last, First Middle)  
DOB [redacted] Gender M Race W

**2. Defendant:**  
A. do not cause, attempt, or threaten to cause bodily injury to, assault, sexually assault, harass, stalk, or keep under surveillance the protected person.  
B. do not contact the protected person, directly, indirectly, in person or through others, by phone, mail, or electronic means, except for mailing or service of process of court documents through a third party, or contact by the defendant's lawyers.  
C. do not knowingly enter, remain, or come within 250 FT (1,000 feet if no distance entered) of the protected person's residence, school workplace, other:  
D. other: Third Party contact allowed regarding child welfare and to arrange child visits, if any.  
Electronic communication with children allowed, if children have their own cell phone.

**3. Firearms, Weapons, and Concealed Pistol License, Defendant:**  
☒ Do not own, possess, or control a firearm. (RCW 9A.04.01)  
☒ Do not access, obtain, or possess a firearm, other dangerous weapon, or concealed pistol license. (RCW 9A.04.02)  
☒ Shall immediately surrender all firearms and other dangerous weapons within the defendant's possession or control and any concealed pistol license. Comply with the Order to Surrender Weapons filed separately. (RCW 9A.04.03)

**4. This no-contact order expires on** 11/12/2024 **Five years from today if no date is entered.**

Warning: Violation of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if the person protected by this order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written request.



## Count 3: Unlawful Possession of a Firearm (4/14/2019)

- ✓ DeBorba knowingly possessed firearm
  - ¶¶ 12-13: WSP traffic stop
  - *Id.* “DeBorba told Officer ... that his Glock 26 handgun was in the backpack ... Officer ... found the Glock 26.”
- ✓ Interstate Nexus
  - ¶ 13: ATF SA Grigore determined nexus
  - *Id.*: DeBorba stipulates
- ✓ DeBorba knew he was a non-citizen illegally and unlawfully in United States, (g)(5)
  - ¶¶ 2-6, 30: DeBorba admits that “he was aware at all relevant times relevant to this case that he did not have legal status in the United States.”



## Count 4: False Statement During Purchase of Firearm (5/8/2019)

✓ Brass Tacks Munitions = licensed firearms dealer

- ¶ 11

✓ In connection with acquiring a Rock Island Armory model M200 .38 special caliber handgun, DeBorba made a false statement

- ¶ 11; Ex. 4 (4473; Firearms Transaction Record)

U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1540-0029

### Firearms Transaction Record

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's  
Transaction Serial  
Number (If any)

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

1002X14 YP  
BTH 191

#### Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "ID" after the initial. If no middle initial or name, record "NMV").  
Last Name (including suffix (e.g., Jr., Sr., II, III)) First Name Middle Name  
**DEBORBA** **SOAO** **RICARDO**

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)  
Number and Street Address City County State ZIP Code  
**1200 SE 7th, Apt #E1** **VANCOUVER** **CLARK** **WA** **98082**

3. Place of Birth  
U.S. City and State -OR- Foreign Country  
**BRAZIL**

4. Height  
Feet **5** In **7**

5. Weight  
(Lbs.) **190**

6. Sex  
☒ Male ☐ Female

7. Birth Date  
Month **01** Day **01** Year **1991**

8. Social Security Number (Optional, but will help prevent misidentification)  
**[REDACTED]**

9. Unique Personal Identification Number (UPIN), if applicable (See Instructions for Question 9.)

10.a. Ethnicity  
☐ Hispanic or Latino ☐ American Indian or Alaska Native ☐ Black or African American ☒ White  
☒ Not Hispanic or Latino ☐ Asian ☐ Native Hawaiian or Other Pacific Islander

11. Answer the following questions by checking "yes" or "no" in the boxes to the right of the questions.  
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)** Yes ☒ No ☐

b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.) Yes ☐ No ☒

c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.) Yes ☐ No ☒

d. Are you a fugitive from justice? (See Instructions for Question 11.d.) Yes ☐ No ☒

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.** Yes ☐ No ☒

f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.) Yes ☐ No ☒

g. Have you been discharged from the Armed Forces under dishonorable conditions? Yes ☐ No ☒

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.) Yes ☐ No ☒

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.) Yes ☐ No ☒

12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)  
☒ United States of America (U.S.A.) ☐ Other Country/Countries (Specify):

12.b. Have you ever renounced your United States citizenship? Yes ☐ No ☒

12.c. Are you an alien illegally or unlawfully in the United States? Yes ☐ No ☒

12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.) Yes ☐ No ☒

12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions? ☒ N/A ☐ Yes ☐ No

13. If you are an alien, record your U.S.-Issued Alien or Admission number (A/R#, USCIS#, or I-94#):

Previous Editions Are Obsolete: **Transferee/Buyer Continue to Next Page** ATF Form 4473 (2001) 004RR

I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.i. and/or 12.b. through 12.e. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the documentation required in 12.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature **[Signature]** 15. Certification Date **5/8/19**

#### Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):  
☒ Handgun ☐ Long Gun ☐ Other Firearm (frame, receiver, etc.)  
(rifles or shotguns) See Instructions for Question 16.)

17. If transfer is at a qualifying gun show or event:  
Name of Function: \_\_\_\_\_  
City, State: \_\_\_\_\_

#### Section D - Must Be Completed By Transferor/Seller Even If The Firearm(s) Is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1. Rock Island Armory	M200	RIA1999.506	revolver	38sp/
2.				
3.				
4.				

Ex. 4

## Count 4: False Statement During Purchase of Firearm (5/8/2019)

- ✓ DeBorba knew the statement was false
  - ¶¶ 2-6, 30: DeBorba admits that “he was aware at all relevant times relevant to this case that he did not have legal status in the United States.”
- ✓ False statement was material
  - ¶ 11: “DeBorba’s statements regarding his citizenship and legal status influenced Brass Tacks Munitions into believing that the firearm could be sold to DeBorba in compliance with Title 18, United States Code, Section 922(d)(5).”

## Count 5: False Statement During Purchase of Firearm (4/4/2019)

- ✓ Cabela's= licensed firearms dealer
  - ¶ 10
- ✓ In connection with acquiring a Sig Sauer model 1911 STX .45 auto caliber handgun, DeBorba made a false statement
  - ¶ 10; Ex. 3 (4473; Firearms Transaction Record)



U.S. Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Gun IDs 8331337

OMB No. 1140-0020

# Firearms Transaction Record

Phone Number: 918-398-5793



Double Check: *MS*

**WARNING:** You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Transferor's/Seller's  
Transaction Serial  
Number (If any)

200558

## Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN")  
Last Name (including suffix (e.g., Jr, Sr, II, III)) First Name Middle Name  
**DEBORBA JOAO RICARDO**

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)  
Number and Street Address City County State ZIP Code  
**12800 SE 7TH STREET APT# E1 VANCOUVER CLARK WA 98633**

3. Place of Birth (U.S. City and State) -OR- Foreign Country 4. Height (Ft. In.) 5. Weight (Lbs.) 6. Sex (Male Female) 7. Birth Date (Month Day Year)  
**BRAZIL 5 190 Male 10 10 1988**

8. Social Security Number (Optional, but will help prevent misidentification) 9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)  
**[REDACTED]**

10.a. Ethnicity 10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)  
☐ Hispanic or Latino ☐ American Indian or Alaska Native ☐ Black or African American ☒ White  
☒ Not Hispanic or Latino ☐ Asian ☐ Native Hawaiian or Other Pacific Islander

11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions. Yes No  
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.) ☒ ☐  
b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.) ☐ ☒  
c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.) ☐ ☒  
d. Are you a fugitive from justice? (See Instructions for Question 11.d.) ☐ ☒  
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside. ☐ ☒  
f. Have you ever been adjudicated mentally defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.) ☐ ☒  
g. Have you been discharged from the Armed Forces under dishonorable conditions? ☐ ☒  
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.) ☐ ☒  
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.) ☐ ☒

12.a. Country of Citizenship (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)  
☒ United States of America (U.S.A.) ☐ Other Country/Countries (Specify):

12.b. Have you ever renounced your United States citizenship? ☐ ☒  
12.c. Are you an alien illegally or unlawfully in the United States? ☐ ☒  
12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.) ☐ ☒  
12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions? ☒ N/A ☐

13. If you are an alien, record your U.S.-Issued Alien or Admission number (ARR, USCIS#, or B#):

Previous Editions Are Obsolete ATF Form 4473 (5/2009) Revised October 2016  
Transferee/Buyer Continue to Next Page  
STAPLE IF PAGES BECOME SEPARATED

I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.i and/or 12.b. through 12.c. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature

*[Signature]*

15. Certification Date

04/04/2019

Section B - Must Be Completed By Transferor/Seller

## Section D - Must Be Completed By Transferor/Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL should include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1. SIG SAUER	1911 STX	54E026501	PISTOL	.45 AUTO
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____

Ex. 3

## Count 5: False Statement During Purchase of Firearm (4/4/2019)

- ✓ DeBorba knew the statement was false
  - ¶¶ 2-6, 30: DeBorba admits that “he was aware at all relevant times relevant to this case that he did not have legal status in the United States.”
- ✓ False statement was material
  - ¶ 10: “DeBorba’s statements regarding his citizenship and legal status influenced Cabela’s into believing that the firearm could be sold to DeBorba in compliance with Title 18, United States Code, Section 922(d)(5).”

## Count 6: False Claim to United States Citizenship (2/25/2019)

- ✓ DeBorba directly and falsely represented himself to be a U.S. citizen
  - ¶ 8 & Ex. 2 (Concealed Pistol License)



WA  
TRANS SA  
3.18 2/25. JB  
9.25 LLB # 55082122

WASHINGTON STATE DEPARTMENT OF  
LICENSING  
Office use only

### Concealed Pistol License Application

PRINT or TYPE all information.

Application type  
☒ Original application    ☐ Renewal of license    ☐ Late renewal of license    ☐ Replacement license

Name (Last, First, Middle)  
DEBORBA JOAO RICARDO

Other names by which you have been known (for example: maiden name)  
 \_\_\_\_\_

Driver license number  
 \_\_\_\_\_

Expiration date  
 \_\_\_\_\_

Physical address—required  
12800 SE 7th STREET

City  
VANCOUVER

State  
WA

ZIP code  
98083

Mailing address (if different)  
 \_\_\_\_\_

City  
 \_\_\_\_\_

State  
 \_\_\_\_\_

ZIP code  
 \_\_\_\_\_

Date of birth  
 \_\_\_\_\_

Birthplace (City, State/Province, Country)  
CINQUE SC. 1 BRAZIL

(Area code) Telephone number  
(978) 3985793

Gender  
☒ Male    ☐ Female

Height  
5 feet 7 inches

Weight  
170 pounds

Eyes (color)  
BROWN

Hair color  
NONE

Ethnicity  
☐ Hispanic or Latino    ☐ Not Hispanic or Latino

Race (Check all that apply)  
☐ Black or African American    ☐ American Indian or Alaska Native    ☒ White    ☐ Asian    ☐ Native Hawaiian or Other Pacific Islander

List type and location of all marks, scars, and tattoos  
 \_\_\_\_\_

EMAIL ADDRESS  
KOLINHO2005@yahoo.com

Residency

1. Are you a U.S. citizen? ..... ☒ Yes    ☐ No  
 If no, enter country of citizenship \_\_\_\_\_

2. Are you a permanent resident alien? ..... ☐ Yes    ☒ No  
 If yes, enter your permanent resident card number \_\_\_\_\_

3. Are you a legal alien temporarily residing in Washington? ..... ☐ Yes    ☒ No  
 If yes, enter your alien registration/I-94 number \_\_\_\_\_ and:  
 Enter your alien firearms license number: \_\_\_\_\_ Expiration date: \_\_\_\_\_

Answer the following

1. Have you ever been convicted in adult court or adjudicated in a juvenile court of the following crimes when committed by one family or household member against another, on or after July 1, 1993: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provision of a protection order or no-contact order restraining the person or excluding the person from a residence? ..... ☐ Yes    ☒ No

2. Are you now on bond or personal recognizance pending trial, appeal or sentence for any serious offense as defined in RCW 9A.01.010 or for a felony for any crime where the judge can imprison you for more than one year? ..... ☐ Yes    ☒ No

3. Have you been convicted of 3 or more violations of Washington's firearms laws within any 5-year period? ..... ☐ Yes    ☒ No

4. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance? ..... ☐ Yes    ☒ No

5. Have you ever been adjudicated mentally defective (which includes having been adjudicated incompetent to manage your own affairs) or have you ever been committed to a mental institution? ..... ☐ Yes    ☒ No

6. Have you been discharged from the Armed Forces under dishonorable conditions? ..... ☐ Yes    ☒ No

7. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? ..... ☐ Yes    ☒ No

8. Have you been convicted in any court of a misdemeanor crime of domestic violence? ..... ☐ Yes    ☒ No

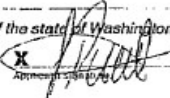
9. Have you ever renounced your United States citizenship? ..... ☐ Yes    ☒ No

10. Are you an alien illegally in the United States? ..... ☐ Yes    ☒ No

Signing this application authorizes the Department of Social and Health Services, as well as mental-health institutions and other health-care facilities, to release information relevant to your eligibility for a concealed pistol license to an inquiring court or law-enforcement agency.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Date and place signed  
02/25/2019

Signature  


## Count 6: False Claim to United States Citizenship (2/25/2019)


- ✓ DeBorba was not a citizen at that time
  - ¶¶ 2-6, 30: DeBorba admits that “he was aware at all times relevant to this case that he did not have legal status in the United States.”
- ✓ DeBorba made the false representation willfully (voluntarily and deliberately)
  - ¶ 8: “DeBorba knew that his answers ... were false... and thus made [them] voluntarily and deliberately.”

## Count 6: False Claim to United States Citizenship (2/25/2019)

- ✓ False representation was made to someone who had good reason to inquire into citizenship
  - ¶ 8: “These questions on the Washington State Department of Licensing form were posed for the purpose of ensuring that the Concealed Pistol License could be issued to DeBorba in compliance with Revised Code of Washington 9.41.070 and 9.41.173 and that DeBorba’s possession of a firearm would comply with Title 18, United States Code, Section 922(g)(5).

# Count 7: Unlawful Possession of Firearm Silencer (5/6/2022)

- ✓ Defendant knowingly possessed a firearm silencer
  - ¶¶ 23-25, Ex. 13 (photo), & Ex. 15: ATF Officer Jason Armstrong concluded it meets the definition of “firearm silencer”

U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives		Firearms Technology Criminal Branch Report of Technical Examination	
		244 Needy Road #1600 Martinsburg, WV 25405 Phone: 304-616-4300 Fax: 304-616-4301	
		To: Special Agent Prince Plautner Bureau of Alcohol, Tobacco, Firearms and Explosives 1201 NE Lloyd Boulevard Suite #710 Portland, Oregon 97232	
Date Exhibit Received: 06/21/2022 Delivered By: FedEx 7771 6440 4310		UIC: 787035-22-0059 RE: DEBORBA, Joao Ricardo FTICB#: 2022-763-JTA 321056 Type of Examination Requested: Examination, Test, Classification	
<b>Exhibit:</b> 1. Cylindrical device; no manufacturer markings, no serial number (suspected silencer).			
<b>Pertinent Authority:</b> Title 28 of the United States Code (U.S.C.) provides the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) the authority to investigate criminal and regulatory violations of Federal firearms law at the direction of the Attorney General. Under the corresponding Federal regulation at 28 CFR § 0.130, the Attorney General provides ATF with the authority to investigate, administer, and enforce the laws related to firearms, in relevant part, under 18 U.S.C. Chapter 44 (Gun Control Act) and 26 U.S.C. Chapter 53 (National Firearms Act). Pursuant to the aforementioned statutory and regulatory authority, the ATF Firearms and Ammunition Technology Division (FATD) provides expert technical support on firearms and ammunition to federal, state and local law enforcement agencies regarding the Gun Control Act (GCA) and the National Firearms Act (NFA). The Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term “firearm” as: “... (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or silencer; or (D) any destructive device. Such term does not include an antique firearm.” The GCA, 18 U.S.C. § 921(a)(25) defines the terms “firearm silencer” and “firearm muffler” to mean: “... any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.”			



## Count 7: Unlawful Possession of Firearm Silencer (5/6/2022)

- ✓ DeBorba was aware the device was a firearm silencer
  - ¶ 27: DeBorba stipulates
- ✓ DeBorba had not registered the firearm silencer with the National Firearms Registration and Transfer Record
  - ¶ 26: Firearms Specialist Elicia Elkins confirmed
  - ¶ 27: DeBorba stipulates